

# Exhibit A



## Office of the Attorney General

Washington, D. C. 20530

September 6, 2016

### MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS

FROM:

THE ATTORNEY GENERAL

A handwritten signature in blue ink, which appears to be "Loretta E. Lynch", is written over the typed name "THE ATTORNEY GENERAL".

SUBJECT:

Recommendations of the National Commission on Forensic Science;  
Announcement for NCFS Meeting Eleven

As part of the Department's ongoing coordination with the National Commission on Forensic Science (NCFS), I am responding today to several NCFS recommendations to advance and strengthen forensic science. These recommendations involve promoting professional responsibility among forensic practitioners, instituting best practices in quality management of forensic laboratories, and advancing the relationship between academic forensic research and practical implementation.

I am pleased to announce today that I am directing Department components to take several steps to support these goals. I ask that you work with the Deputy Attorney General to implement these policies and issue guidance as appropriate.

1. Department forensic laboratories will review their policies and procedures to ensure that forensic examiners are not using the expressions "reasonable scientific certainty" or "reasonable [forensic discipline] certainty" in their reports or testimony. Department prosecutors will abstain from use of these expressions when presenting forensic reports or questioning forensic experts in court unless required by a judge or applicable law.
2. The Department is adopting a new code of professional responsibility for Department forensic laboratories. This code, which builds on the Department's Scientific Research and Integrity Policy and the Guiding Principles of Professional Responsibility of the American Society of Crime Laboratory Directors/Laboratory Accreditation Board, will apply to Departmental forensic examiners. The code is attached here.
3. The Department's forensic laboratories that support criminal investigation and prosecution will post current quality management system (QMS) documents<sup>1</sup> and existing summaries of internal validation studies online within 18 months. QMS documents and

---

<sup>1</sup> QMS documents are documents in existence or that would be created as part of the ordinary course of business or in accordance with other existing obligations and include policies, procedures or specifications for forensic testing, examination, and analysis, and classification standards for forensic examiners.

existing summaries of internal validation studies may be posted in a format of each laboratory's choice and redacted for security, investigative, intelligence, and other statutory exemption reasons. This mandate does not alter existing discovery obligations.

4. The National Institute of Justice will explore the possibility of implementing a grant program to fund multiyear post-doctoral fellowships at federal, state, and local forensic science service providers and forensic medicine service providers.